

Officer Mark Contreras - February 18, 2015
Direct Examination by Ms. Williamson

1 officer?

2 A Yes, ma'am.

3 Q Are you a certified peace officer?

4 A Yes, ma'am.

5 Q Can you tell us about the training you had to
6 undergo to become a police officer?

7 A Yes. We had a six-month -- all officers at HPD
8 are required to go through a six-month academy at the
9 Houston Police Academy and a six-month training course
10 after that in the field.

11 Q Okay. So that involved both classroom training
12 and then field training as well?

13 A Yes, ma'am.

14 Q What assignment do you currently work?

15 A I work at the HPD Southwest Division on the BAT
16 Team. It's Burglary Apprehension Team.

17 Q Can you tell us a little bit about that?

18 A Yes. We focus on burglary crimes that are in
19 our area, southwest Houston. In our off time, the times
20 we don't have a caseload, where there's not as many
21 burglaries and not being targeted in specific areas, we
22 do proactive work on the streets. We make a lot of
23 proactive arrests for gang criminals and things like
24 that.

25 Q How long have you been apart of that BAT Team?

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1 A Since the end of November of this past year.

2 Q So what were you doing before November?

3 A I was at the West Side Division, patrol.

4 Q And can you tell us some of your duties as a
5 patrol officer?

6 A Yes, our main duty as a patrol officer in HPD
7 is answering calls for service. So when a citizen calls
8 requesting service of some sort of thing, a major
9 incident or something as minor as a loud noise or party
10 going on next door, we respond to those calls.

11 In your off time, you can also initiate
12 traffics and do proactive work as well.

13 Q What you were describing, is that a dispatch?

14 A Yes, a dispatch, a call for service. The
15 dispatchers at the head center, which is where all the
16 calls go when somebody calls 911 or the nonemergency
17 line. The dispatchers get the information and send off
18 the patrol officers to the house or apartment or
19 wherever.

20 Q So just to clarify, someone calls 911, goes to
21 dispatch. Then dispatch sends it to you?

22 A Patrol officer, yes, ma'am.

23 Q Okay. As a patrol officer, did you respond to
24 domestic violence calls on few or many occasions?

25 A Many occasions.

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1 Q When you would get to a location, what would
2 you do first?

3 A We mainly do what we're trained to do. When we
4 first get to a scene, you always want to make sure
5 everybody is safe, that includes you, your partner, and
6 any citizens that might be on the scene. That's our
7 very first priority.

8 Q When you would get to some of these
9 disturbances, is there a suspect always present?

10 A Not always present, no.

11 Q Why would there a suspect not be present?

12 MR. POLLAND: Your Honor, object to
13 relevance.

14 THE COURT: Sustained.

15 Q (By Ms. Williamson) If a suspect isn't there, how
16 do you determine if there's been a crime?

17 MR. POLLAND: Object to relevance, Judge.

18 THE COURT: Sustained.

19 Q (By Ms. Williamson) Is it apart of your job or your
20 duties to determine credibility of witnesses?

21 A Yes, ma'am, it is.

22 Q Why is that?

23 A You never want to file a charge against someone
24 if they're being accused of the crime if you don't
25 believe that the person or persons that are witness

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1 against them are telling the truth.

2 MS. WILLIAMSON: Judge, I object. That
3 invades the province of the fact finder as to
4 credibility of witnesses.

5 THE COURT: Let's move on.

6 Q (By Ms. Williamson) Officer, I'm going to take you
7 to February 23, 2014. Were you on duty that day?

8 A Yes, ma'am, I was.

9 Q Were you dispatched to a disturbance with
10 weapons?

11 A Yes, ma'am.

12 Q Where were you dispatched to?

13 A To South Drive in southwest Houston. It's the
14 19-G40's beat in west side command.

15 Q Is that in Harris County, Texas?

16 A Yes, ma'am, that is.

17 Q Who did you make contact when you got there?

18 A The complainant in that case was Latanya
19 Peterson. It's a female.

20 Q How was her demeanor when you first arrived?

21 A Very upset, crying, frazzled, shouting at us,
22 at officers that she needed help.

23 MR. POLLAND: Object. Objection as to
24 what she said is hearsay.

25 THE COURT: Sustained.

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1 Q (By Ms. Williamson) Did Latanya Peterson, who you
2 made contact with, did she make any statements to when
3 you first arrived that were not response to any
4 interrogation of any kind?

5 A I'm sorry. Can you say that again?

6 Q When you made contact with Latanya Peterson
7 that day, did she make any statements to you that were
8 not in response to an investigation?

9 A Yes. She was, you know, excited.

10 Q So she appeared excited. Can you -- did she
11 appear frantic?

12 A Frantic, upset, excited --

13 Q How did you know?

14 A -- very scared. It was the way she was acting,
15 the things she was saying, voice was trembling. She was
16 bleeding profusely. Very upset.

17 Q Did she appear to be still under the shock of
18 an incident that occurred?

19 A Absolutely.

20 Q What did she say to you at that time?

21 MR. POLLAND: Objection, hearsay.

22 THE COURT: Overruled.

23 MR. POLLAND: Can we approach?

24 THE COURT: You may.

25 *(On-the-record discussion at the Bench)*

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1 MR. POLLAND: It's hearsay. The outcry
2 took place to 911, not to this officer. If the 911 tape
3 comes in, I'm going to dispute that as outcry as
4 exception to the Hearsay Rule and business record. If
5 this officer would not have been an outcry. The 911 was
6 the outcry.

7 THE COURT: I think she's laid predicate.
8 So I'll give her some leeway. Overruled.

9 MS. WILLIAMSON: Thank you, Judge.

10 (End of discussion at the Bench).

11 MR. POLLAND: Just so we make sure it's on
12 the record, I object to anything she said as hearsay.
13 As it was not -- so I can get it on the record -- it was
14 not outcry. Because outcry took place prior to the
15 officer coming to the scene allegedly.

16 MS. WILLIAMSON: The State responds that
17 there's an exception to Hearsay Rule under Excited
18 Utterance.

19 MR. POLLAND: I would dispute that it's
20 Excited Utterance.

21 THE COURT: Overruled.

22 Q (By Ms. Williamson) Officer, you can answer. What
23 did she state to you at that time?

24 A She said a few things. Immediately she said,
25 "He beat me. He beat me."

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1 She was screaming out that she had been
2 beaten. "He hit me like a dog. I thought he was going
3 to kill me."

4 She was very upset and was still under
5 fear that the suspect may still be around.

6 Q Was anyone else there at the time?

7 A Another officer. Not right when I first
8 arrived, but another officer arrived shortly thereafter.

9 Q You were first to arrive as an officer and then
10 someone else came?

11 A Yes, ma'am.

12 Q Besides the three of you -- you, another
13 officer, and then Latanya Peterson -- you were the only
14 three there?

15 A Yes.

16 Q After your investigation, did you have a
17 suspect?

18 A Yes, I did.

19 Q What was he a suspect for?

20 A Aggravated assault with a deadly weapon.

21 Q Why did you believe that that had occurred?

22 A Ms. Peterson, the complainant, cried out that
23 she had been assaulted by her husband. She stated she
24 had been hurt, and she had the physical injuries to
25 prove it. Everything that she stated and what she told

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1 me matched the physical injuries that I was looking at.
2 We took pictures of them at that time.

3 Q So you said it was corroborated by these
4 injuries. Tell us a little bit about the injuries that
5 you saw initially when you arrived and spoke to Latanya
6 Peterson?

7 A Yes. She was bleeding from a couple different
8 spots on her body. She had bruises that were already
9 forming on her arms, all over her arms and forearms and
10 legs as well. She had cut above her eye, a cut on her
11 finger, one of her fingers, couple of her fingers I
12 should say on one hand, and blood coming from her back.
13 What looked like a bite mark or a deep bruise.

14 Q Did you go inside the residence?

15 A I did.

16 Q Did you find anything inside the residence that
17 also corroborated the story that you had been told?

18 A Yes. In the closet of the main bedroom, the
19 master bedroom, there was a pool of blood, which was
20 matching one of the statements that she gave me.

21 Q Did you find anything in the area that had been
22 used in the incident?

23 A Yes, there was a baseball bat, an aluminum
24 baseball bat that the complainant, Latanya Peterson,
25 stated she had been assaulted with.

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1 Q Was that near the area that she told you it had
2 occurred?

3 A Yes, it was right next to the closet.

4 Q Officer, in your training and experience, is a
5 baseball bat a deadly weapon?

6 A Absolutely.

7 Q Now, you talk a little bit about these
8 injuries. In your experience, did these look as though
9 they were painful?

10 A Yes, they did. She was in a lot of pain. She
11 ended up being transported to the hospital shortly
12 thereafter.

13 Q Did the injuries look as though they were
14 created with a little force or a lot of force?

15 A Seemed as though it was a lot of force. Like I
16 said, there was bruising all over her body --

17 MR. POLLAND: Your Honor, I'm going to
18 object to him opining on the injuries and how they
19 compared to, I guess, being forceful or not as he's not
20 a physician doctor and hasn't been established an expert
21 in that area.

22 THE COURT: That's sustained.

23 MR. POLLAND: Thank you, your Honor.

24 Q (By Ms. Williamson) Did the complaining witness
25 give you any identifiers for the suspect?

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1 A Yes. She was able to give almost all of his
2 identifying information.

3 Q How was she able to do that?

4 A She was married to him. She knows his
5 information. She was able to give his name, date of
6 birth, Social Security number.

7 Q After you got these identifiers, were you able
8 to see a photo of the defendant?

9 A Yes, ma'am.

10 Q Was it confirmed through your investigation
11 that that photo was actually a photo of -- who did you
12 believe that was a photo of?

13 A The defendant, Carl Dion Lovings.

14 Q That was confirmed that that was a photo of
15 him?

16 A Yes.

17 Q Do you see the man that you saw in that photo
18 that night here in the courtroom today?

19 A Yes, I do.

20 Q Can you point him out with a an article of
21 clothing?

22 A He's wearing a maroon shirt.

23 MS. WILLIAMSON: May the record reflect
24 that the witness has identified the defendant?

25 THE COURT: It will so reflect.

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1 Q (By Ms. Williamson) You said the complaining
2 witness was taken to the hospital. Did you go to the
3 hospital?

4 A I did after I searched the area for the
5 suspect. I searched the area because he had left on
6 foot according to the complainant. So I searched the
7 area for probably about an hour with my partner and a
8 few other officer who we were unable to locate him. I
9 went to the hospital to meet up with the complainant
10 again.

11 Q When you were at the hospital, did you or
12 someone take photos of the complainant's injuries?

13 A Yes, we did.

14 Q After the investigation was complete, what did
15 you do from there?

16 A I contacted an assistant district attorney at
17 Harris County DA Intake Office and inquired about
18 charges being accepted on Mr. Lovings for the aggravated
19 assault with a deadly weapon.

20 Q Did you find Latanya Peterson to be credible
21 that night?

22 A I did.

23 Q I may have already asked this, but why? Why
24 did you find her credible that night?

25 MR. POLLAND: That's been asked and

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1 answered.

2 THE COURT: Sustained.

3 Q (By Ms. Williamson) So after you contacted the
4 District Attorney's Office, what happened?

5 A The ADA at work that day accepted charges on
6 Mr. Lovings. And so what I did is I completed a PC
7 statement and the charges in our computer system and
8 walked through a warrant for Mr. Loving's arrest.

9 Q After a warrant is signed, what happens?

10 A Officers attempt to execute the warrant.

11 Q Was the suspect ever arrested?

12 A He was.

13 Q And you did not make that arrest, correct?

14 A No. I worked -- at the time, I worked evening
15 shift; and I have a lot of friends that are on the West
16 Side Gang Division.

17 MR. POLLAND: Objection, nonresponsive.

18 THE COURT: Sustained.

19 Q (By Ms. Williamson) You did not make that arrest,
20 correct?

21 A I did not make the arrest. I passed it off to
22 somebody else.

23 Q Officer, I am handing you what's been
24 previously marked as State's Exhibit Nos. 1 through 11.
25 Can you look at these and tell me what they are.

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1 A These are photographs of the complainant,
2 Latanya Peterson, on the night we were talking about
3 previously.

4 Q Do these fairly and accurately depict the
5 injuries that you saw that night?

6 A Yes.

7 MS. WILLIAMSON: Judge, I'm offering
8 State's Exhibits 1 through 11 into evidence and
9 tendering to defense counsel for objection.

10 (State's Exhibit Nos. 1 through 11 were
11 offered into evidence)

12 MR. POLLAND: Your Honor, we don't object
13 to exhibits one, three, five, six, seven, eight, ten,
14 and 11. But we object to two, four, and nine as being
15 duplicit [sic] of the other pictures. I'll give them to
16 you to look at.

17 (Mr. Polland gives pictures to the Court.
18 Court is going over pictures.)

19 THE COURT: Overruled. One through 11 are
20 admitted. You may publish these in a second.

21 (State's Exhibit Nos. 1 through 11 were
22 received into evidence)

23 THE COURT: That is a good stopping point.
24 The pizza is here. We'll send you back to the jury
25 room. The bailiffs have more instruction for you.

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1 Don't feel like you have to inhale the pizza. The staff
2 has got to eat lunch, too. He'll give you more
3 instruction.

4 (Jury exits courtroom).

5 (Outside the presence of the jury.)

6 MR. POLLAND: We're fine, Judge.

7 THE COURT: Y'all are going to stipulate
8 to the affidavit to the 911?

9 MR. POLLAND: The State provided it
10 timely. I'll stipulate it's a business record because
11 it is.

12 MS. WILLIAMSON: And there was just one
13 other thing. In the medical records that we have and
14 that you had that have been on file, there's a statement
15 in there that says the complaining witness was
16 previously abused by the defendant. I would want to
17 take that out. I do not feel that that is relevant to
18 this case. I would want to offer the original medical
19 record into the record for appellate purposes at all and
20 then also a redacted version that would go back to the
21 jury.

22 THE COURT: I'll let y'all work that out.
23 If you're wanting -- I don't think there's any need for
24 you for appellate purposes to admit the rest of it
25 unless the defense wants it too. Just enter whatever

1 you need to enter with whatever redactions you feel are
2 necessary.

3 MS. WILLIAMSON: Okay. Thank you.

4 (Lunch break)

5 (Jury enters the courtroom)

6 THE COURT: Have a seat. Hope you enjoyed
7 your pizza.

8 You may proceed.

9 MS. WILLIAMSON: Thank you, Judge.
10 Permission to publish 1 through 11?

11 THE COURT: Yes, ma'am.

12 **DIRECT EXAMINATION (CONTINUED)**

13 BY MS. WILLIAMSON

14 Q Officer, I am showing you State's Exhibit No.
15 1. And again, can you state what we're looking at?

16 A It's the complainant, Latanya Peterson's arm.
17 She's pretty severely bruised. You can see a line at
18 the bottom of the picture there. The way we're looking
19 at it. It's pretty consistent with the injuries she
20 reported.

21 Q There's also a small screen to your right. If
22 at anytime you need to point to something, it will show
23 up on that screen.

24 A Understood.

25 Q So these are the injuries, and you're talking

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1 about bruises. Was there anything in these photos that
2 you found, I guess, to corroborate the story that she
3 had told you?

4 A If you notice the injury here, it's kind of in
5 a straight line. To me, that indicated that when she
6 said she had been hit by the bat, that pretty much
7 matched up with what she was saying. There's other
8 pictures where you can see the same thing.

9 Q Okay. Do you see any other bruising in State's
10 Exhibit No. 1?

11 A Yes. Here. Here. Here. (Indicating). Right
12 there (Indicating).

13 Q And besides the coloring, did you notice
14 anything else?

15 A It was raised above her arm a little bit. It
16 was a lumpy bruise.

17 Q What does that mean?

18 MR. POLLAND: Object. He's not a doctor.

19 THE COURT: Sustained.

20 Q (By Ms. Williamson) I'm going to show you now
21 State's Exhibit No. -- Officer, if you could just tap
22 the left coroner.

23 A (Witness complies).

24 Q (By Ms. Williamson) There you go. State's Exhibit
25 2, now, this is that same arm, correct?

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1 A Right.

2 Q Now, what is the picture showing?

3 A That's the same thing. It's taken at a
4 different angle so you can see here and here
5 (indicating). Like how I was just describing, it's
6 raised up a little bit. It's not the discoloration on
7 her arm. It's also, you know, the injuries that she got
8 on that date and raised her arm up a little bit to swell
9 after she had been hit with the baseball bat.

10 Q So it's swollen?

11 A Yes.

12 Q If you could hit that screen.

13 I'm showing you State's Exhibit 3. What
14 is this photo showing us?

15 A It's her finger. One of the things she
16 described to me on scene was that she was trying to
17 block herself by getting hit by a baseball bat. To me,
18 what this is showing particularly, you know, right there
19 on her finger is she is trying to block it. I think a
20 lot blood came from her hand and face as she was trying
21 to block the blow of a baseball to her head.

22 Q So you would consider this a defensive wound?

23 A Yes.

24 Q And there was blood coming from that wound?

25 A Yes. By that time, she had gotten to the

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1 hospital, it would have been bandaged up, pressure had
2 been applied. Before that, it was bleeding on the
3 scene.

4 Q This is State's Exhibit 4, what injuries do we
5 see in this photo?

6 A Once again, you see swelling and bruises as
7 well.

8 Q State's Exhibit 5, do we see any bruising in
9 this photo?

10 A Yes, it's the same arm, bruising.

11 Q And again, these are consistent injuries to the
12 story that she told you?

13 A Yes.

14 Q State's Exhibit 6, what are we looking at here?

15 A She reported that she had been bitten at some
16 point. I'm pretty sure that's what that is right there.

17 Q That's just an injury on her back?

18 A Yes.

19 Q And again, in State's Exhibit 7?

20 A Same thing.

21 Q We're looking at State's Exhibit 8. What are
22 we looking at here?

23 A The complainant's, Ms. Peterson, lip. She
24 reported the argument started by being slapped and
25 punched in the face. So what you're seeing here is

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1 injuries to her face.

2 Q When you first made contact with her, was she
3 bleeding from this area?

4 A Yes, she was bleeding from her lip and from the
5 side of her head.

6 Q State's Exhibit 9, what are we looking at here?

7 A Some pretty extreme swelling in her eyes where
8 she had been punched and hit with a baseball bat.

9 Q State's Exhibit 10?

10 A I believe this is an injury here that I was
11 talking about where she was bleeding from when I first
12 arrived on scene. The blood was coming down from the
13 side of her head and dripping all over her chest and
14 shirt.

15 Q Are there any other -- are there bruises or
16 anything in here?

17 A Just swelling. I don't know if I can see the
18 bruising on the side of her face. I don't know if I can
19 tell from there when you zoom in.

20 Q And State's Exhibit 11?

21 A Once again, you have the bruising, swelling,
22 and bruising on her mouth where she had been punched.

23 Q Again, these are all consistent with injuries
24 you saw that night?

25 A Yes, ma'am, they are.

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1 MS. WILLIAMSON: Judge, may I have the
2 bailiff pass the photos to the jury?

3 THE COURT: Yes.

4 (State's Exhibit Nos. 1 through 11 are
5 being passed throughout the jury.)

6 MS. WILLIAMSON: Judge, may I approach?

7 THE COURT: You may.

8 MS. WILLIAMSON: Judge, I'm offering
9 State's Exhibit No. 12. It is a public record, a
10 marriage license of the defendant and complaining
11 witness. I'm offering that into evidence. I'm
12 tendering to the defense for objection.

13 THE COURT: Okay.

14 MR. POLLAND: No objection.

15 THE COURT: No objection. Twelve is
16 admitted. You may publish.

17 (State's Exhibit No. 12 was offered
18 received into evidence)

19 Q (By Ms. Williamson) Officer, I'm showing you a
20 marriage license. Can you read the two names?

21 A It's Carl Dion Lovings and Latanya Marie
22 Peterson.

23 Q Now, is that Latanya Peterson the victim that
24 you met that night?

25 A Yes.

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1 Q And she told you she was married to Carl
2 Lovings?

3 A Yes, ma'am, she did.

4 Q She in fact told you that that was her husband?

5 A Yes, ma'am, she did.

6 MS. WILLIAMSON: Your Honor, may I
7 approach?

8 THE COURT: You may.

9 Q (By Ms. Williamson) Officer, I'm handing you what's
10 been marked as State's Exhibit 15. Do you remember
11 this?

12 A Yes, I do.

13 Q Do you recognize this?

14 A I do.

15 Q What is this?

16 A It's a baseball bat that the complainant, Ms.
17 Peterson, stated she was struck with.

18 Q Where did you find it?

19 A It was right next to the closet in the master
20 bedroom on the floor.

21 Q How do you know this was the same bat that was
22 used that night?

23 A After I walked the To Be Warrant through, which
24 is a warrant for the defendant, and had it signed, I
25 went to the property room and tagged it in as evidence.

1 Q And you brought it here with you today?

2 A Yes. Before coming to court today, I went to
3 the HPD property room and picked it up.

4 Q Has it been tampered with at all?

5 A No.

6 MS. WILLIAMSON: Judge, I'm offering
7 State's Exhibit 15 into evidence and tender to defense
8 counsel for objection.

9 (State's Exhibit No. 15 was offered into
10 evidence)

11 MR. POLLAND: May I have the witness on
12 voir dire?

13 THE COURT: You may.

14 **VOIR DIRE EXAMINATION**

15 BY MR. POLLAND

16 Q State's Exhibit 15, did you take it from the
17 scene?

18 A Yes, sir, I did.

19 Q And you're the one that checked into the
20 property room?

21 A Yes, sir, I was.

22 Q And you're the one that checked it out of the
23 property room?

24 A Yes, sir.

25 MR. POLLAND: No objection.

1 THE COURT: No objection, it's admitted.
2 (State's Exhibit No. 15 was received into
3 evidence)

4 **DIRECT EXAMINATION (CONTINUED)**

5 BY MS. WILLIAMSON

6 Q I want to take you back to when you found this
7 bat. You had been told -- were you told previously that
8 the complaining witness was hit by a bat before you
9 found the bat?

10 A Well, the complainant is the one that pointed
11 it out to me. She told me, yes, that hit me with this
12 bat.

13 Q And she brought you into the master bedroom?

14 A Yes.

15 Q And were you told at that time that is where
16 the assault had occurred?

17 A Yes.

18 Q You mentioned blood in a closet, correct? Can
19 you tell us about the blood in the closet? Why was that
20 relevant to you?

21 A The complainant, Mr. Peterson, told me that
22 when she was being -- the argue first started as
23 shoving, slapping, punching. When she retreated to go
24 back to her bedroom so that she wouldn't be hit anymore,
25 she tried to close the door and wasn't able to because

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1 Mr. Lovings continued to assault her.

2 She tried to hide in the closet. When she
3 did that, the defendant, Mr. Lovings, grabbed a baseball
4 bat and was striking her. She tried to run out of
5 closet because she wanted to get away. That's when he
6 was able to land a few good blows with the baseball bat.
7 Ms. Peterson stated she went back into the closet
8 because the baseball bat was harder to swing. The blows
9 weren't as hard when she was in the closet. That blood
10 that she tracked into the closet after being assaulted
11 was all over the floor. That's what I observed.

12 MS. WILLIAMSON: Your Honor, I'm offering
13 State's Exhibit 13. It is business record and medical
14 records that defense counsel has had a copy of. It's a
15 business record as well. They have been on file.

16 THE COURT: Okay.

17 MS. WILLIAMSON: And tender to defense
18 counsel for objection.

19 MR. POLLAND: Judge, in deed they are
20 business records as Counsel suggested and no objection.

21 THE COURT: No objection. You may publish
22 as necessary.

23 *(State's Exhibit No. 13 was offered and*
24 *received into evidence)*

25 MS. WILLIAMSON: May I approach the

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1 witness?

2 THE COURT: You may.

3 Q (By Ms. Williamson) Officer, these are medical
4 records from Memorial Hermann Hospital for Latanya
5 Peterson. Is that the hospital that you met the
6 complaining witness at that night?

7 A Yes.

8 Q And I guess, here at the top, it's crossed out,
9 Sexual Assault. It's a physical assault examination; is
10 that correct?

11 A Yes.

12 Q What I want you to do first, look over these.
13 There's a statement made by the complaining witness that
14 night that she made for medical diagnosis purposes. And
15 tell me if that is about the same story that you also
16 heard that night?

17 A (Witness complies) Yes.

18 Q And I believe it continues over here.

19 A Yes.

20 Q So fair to say the same story that you got by
21 Ms. Peterson when you showed up at her residence is the
22 same story that she gave for a medical diagnosis?

23 A Yes.

24 MR. POLLAND: Objection, your Honor.
25 That's asked and answered. It's leading.

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1 THE COURT: Sustained.

2 Q (By Ms. Williamson) Officer, this is one page of
3 the complainant's medical records. Up here where it
4 says, Breathing Changes. Can you read what it says?

5 MR. POLLAND: Object. The document speaks
6 for itself. He didn't write it. It's in evidence.

7 THE COURT: Overruled.

8 A Yes. The box, Difficult Breathing, is checked.
9 It says, "I couldn't breathe. He was on my back with
10 all his weight."

11 Q Now, down here, Eyes and Eyelids. Can you tell
12 us what's checked off?

13 A Yes. It's "bloody red scleras."

14 Q Over here on Mouth?

15 A Bruising and cuts and abrasions is checked.

16 Q Shoulder?

17 A Abrasions is checked.

18 Q Head?

19 A "Hair pulled" under the Ancillary Findings.

20 Q And these are all injuries that you observed,
21 yourself, that night?

22 A Yes, ma'am.

23 Q Okay. Officer, there's a lot on this page.
24 I'm going to take you through it kind of carefully,
25 okay?

Officer Mark Contreras - February 18, 2015
Direct Examination by Ms. Williamson

1 A Sure.

2 Q This is a diagram of all of the injuries that
3 Ms. Peterson had that night. Can you tell us what this
4 small injury above the eye is saying?

5 MR. POLLAND: Your Honor, I'm going to
6 object. The document speaks for itself. He's not a
7 doctor, and I object to him testifying from a document
8 that he didn't author. It's in evidence, but him
9 opining on what's medical is inappropriate.

10 THE COURT: Sustained.

11 Q (By Ms. Williamson) So it is in fact noted on here,
12 Officer, but did you in fact see hemorrhage of the eye?

13 MR. POLLAND: I'd ask that we not refer to
14 the document. Just let him testify.

15 THE COURT: Overruled.

16 A I'm sorry. Could you repeat the question?

17 Q (By Ms. Williamson) That night when you saw Latanya
18 Peterson, did you in fact see a hemorrhage in her eye?

19 A Yes.

20 Q Under her eyes, did you see that they were red
21 and bruised?

22 A Yes.

23 Q Did you notice a small abrasion on her nose?

24 A Yes, I did.

25 Q Did you see bruises on her arms?

1 A I did.

2 MR. POLLAND: My next objection would be
3 that this is duplicit of his earlier testimony. It's
4 been asked and answered. He's already gone through
5 injuries that he says he saw the alleged victim through
6 the photos that were already introduced.

7 THE COURT: Overruled.

8 Q (By Ms. Williamson) Bruises that wrapped around her
9 arms?

10 A Yes.

11 Q On the top of her head, did you see a big
12 bruise and point of tenderness?

13 A Yes.

14 Q On her elbows, did you see cuts and abrasions?

15 A Yes.

16 Q On her right arm, did you see all these bruises
17 as well?

18 A Yes, I did.

19 Q Did you see the missing and broken nail that
20 had active bleeding?

21 A Yes, I did.

22 Q On some of these injuries, did you see that the
23 bruises were raised?

24 A I did.

25 Q Which of these wounds did you find to be

1 defensive?

2 A The ones that were on her arms and elbows.
3 It's consistent with what she told me on how she tried
4 to defend herself.

5 MS. WILLIAMSON: Your Honor, I'm now
6 offering into evidence State's Exhibit 14, the 911 audio
7 and tender to defense counsel.

8 (State's Exhibit No. 14 was offered into
9 evidence)

10 MR. POLLAND: No objection.

11 THE COURT: No objection. It's admitted.
12 (*State's Exhibit No. 14 was received into*
13 *evidence*)

14 MS. WILLIAMSON: Permission to publish?

15 THE COURT: Yes, ma'am.

16 (State's Exhibit 14 is playing in front of
17 the Court and jury).

18 MS. WILLIAMSON: I pass the witness.

19 **CROSS-EXAMINATION**

20 BY MR. POLLAND

21 Q All right. Officer, let me ask you a few
22 questions. First of all, I take it over your years in
23 the police department, you've responded to numerous 911
24 calls?

25 A Yes, sir, that's true.

Officer Mark Contreras - February 18, 2015
Cross-Examination by Mr. Polland

1 Q And the 911 calls as reported are not always
2 accurate when you go to the scene, are they?

3 A Depends on the situation, sir.

4 Q I understand. You agree with me it's not
5 always accurate. Okay. I noticed on the 911 call, the
6 complainant mentioned a knife. Did you ever find a
7 knife?

8 A I did not locate a knife, sir. No.

9 Q In addition to the phone call, she said she
10 went to the bathroom. That's not what she told you in
11 your report, did she?

12 A She mentioned she went between the bathroom and
13 the closet. Yes, sir.

14 Q Do you have your offense report in front of
15 you?

16 A I do, sir.

17 Q Why don't you look at it and see if it
18 refreshes your recollection.

19 A I've read it, sir.

20 Q Okay. I don't see bathroom mentioned.

21 A I'm sorry?

22 Q I don't see bathroom mention in there. Am I
23 correct?

24 A It's not mentioned in the report. If I failed
25 to put it in there, that would be my mistake.

Officer Mark Contreras - February 18, 2015
Cross-Examination by Mr. Polland

1 Q Just as long as we agree no bathroom is
2 mentioned in your report?

3 A It is not mentioned in my offense report.

4 Q But it is mentioned in the 911 call?

5 A Yes, sir.

6 Q The last contact you had with Latanya Peterson
7 was when?

8 A At the hospital.

9 Q So that --

10 A Actually, I'm sorry. I take that back. It
11 would be the next day or the day after I went back to
12 follow-up with her.

13 Q So that would have been 2/24/14 or 2/25/14?

14 A Round about, yes, sir.

15 Q So you haven't had any contact with her
16 recently.

17 A No, sir. I have not.

18 Q You don't know where she is today?

19 A I do not know.

20 Q In terms of your job at HPD, BAT Team that you
21 described, had nothing to do with what you were doing in
22 relation to this case because you weren't on at that
23 time; is that correct?

24 A Right. I didn't get to the BAT Team until
25 November of this past year.

Officer Mark Contreras - February 18, 2015
Cross-Examination by Mr. Polland

1 Q In terms of Ms. Latanya Peterson, prior to
2 February 23, 2014, had you ever met her before?

3 A I had not. No, sir.

4 Q Do you know now she looked prior to that day?

5 A I've never met her. No, sir.

6 Q So in let's say Exhibit 10, you see Exhibit 10?

7 A Yes, sir, I do.

8 Q Okay. You don't know how her face looked that
9 night when the pictures were taken is how she normally
10 looks, do you? I'm not talking about whatever this
11 thing is on the side of her face. In terms of general
12 puffiness of her face, you don't know if that's how she
13 normally looks, do you?

14 A I don't know whether if she's a full-figured
15 woman or not, but I do know the injuries that I
16 observed.

17 Q That wasn't the question. The question was:
18 You don't know whether or not she has a puffy face
19 normally or not, do you?

20 A I've never met her before, sir.

21 Q Okay. I guess it would be important to know
22 whether she normally has a puffy face that would be
23 related to her medical condition, wouldn't you say
24 that's a fair statement?

25 A No, sir, I would not.

1 Q For example, do you know that she has high
2 blood pressure? Would that surprise you?

3 A I do not know. I do not treat her.

4 Q Do you know whether or not people with high
5 blood pressure have puffy faces?

6 A I do not know, sir.

7 Q Did you know that she had a kidney transplant?

8 A I did not know that.

9 Q Do you know she takes nine different pills
10 daily including Xanax, Hydrocodone, Metroprolol,
11 Hydralazine, et cetera? Were you aware of that?

12 A I'm not aware of that, sir.

13 Q So none of that was talked about when you
14 interviewed her?

15 A I didn't interview her, sir.

16 Q You did. You took her statement.

17 A I took her statement. I did not interview her.

18 Q When you took her statement, none of that came
19 in, did it?

20 A No.

21 Q Okay. And some of these -- well, it's possible
22 given all these medications that that could have
23 affected her recollection as to really what happened
24 too? But you don't know that either, do you?

25 A As you stated before, I'm not a physician.

1 Q Fair enough. In terms of the actual incident
2 that occurred between Mr. Lovings, allegedly, and the
3 complainant, you were not a witness to any of it, were
4 you?

5 A I came after the fact, sir.

6 Q So you don't know whether or not what
7 ultimately happened allegedly between these people may
8 have been part of mutual combat? That is the physical
9 contact allegedly occurred in this case was initiated by
10 her, do you?

11 A Say that question again.

12 Q Let's put it this way, the injuries that you
13 have described would be also consistent with contact
14 initiated by her against Mr. Lovings first; isn't it
15 true?

16 A There's no way for me to know that, sir. Your
17 client fled the scene.

18 Q So there's no way to know?

19 A No.

20 Q And you never interviewed my client?

21 A That is correct.

22 Q Okay. Fair enough. I guess because you didn't
23 see Mr. Lovings at the scene, you don't know what
24 injuries he may have allegedly sustained either, right?

25 A He was not there.

1 Q Okay. So it's certainly possible he sustained
2 injuries also, but you didn't see him because he wasn't
3 there? And you were unable to locate him, fair enough?

4 A I did not locate him that day.

5 Q And you were able to locate him that day?

6 MS. WILLIAMSON: Objection, asked and
7 answered.

8 THE COURT: Sustained.

9 Q (By Mr. Polland) If you look at some of the
10 injuries that were sustained in this case, isn't it
11 possible some of these injuries could have been
12 self-induced? For example, State's Exhibit 3, a broken
13 fingernail, am I right?

14 A Ms. Peterson --

15 Q Seriously someone could take their finger and
16 move it against the wall and move it against a blunt
17 object and tear off the false fingernail causing the
18 nail to bleed?

19 A Ms. Peterson stated to me that it was defensive
20 wound from being struck and trying to defend.

21 Q I understand what she said. I'm saying --
22 let's be clear again, you didn't observe that, did you?

23 A No, sir, I did not.

24 Q What I'm telling you isn't it possible that
25 Ms. Peterson ripped her fingernail off herself with a

1 blunt instrument. Could she have done that?

2 A I do not know her. I did not know her before.
3 I do not know her since.

4 Q State's Exhibit 4, and I'm looking at -- you
5 focused on the this, the bump or the extended skin in
6 the area?

7 A Yes, sir.

8 Q That looks like -- observing it to me in the
9 picture -- it looks old. It looks like scar tissue or
10 skin grown back. You see that?

11 A I do.

12 Q And in that, I would say knowing or assuming
13 she was on dialysis and that's where the main dialysis
14 needles go, would you assume or had that caused you to
15 question your testimony that this was some kind of
16 injury caused by --

17 A It's the injuries that I observed that day is
18 what I testified to, sir, and I stand by what I said.

19 Q Okay. Even if she was on dialysis, you don't
20 think that was related or you just don't know?

21 A You said before I'm not a physician. I don't
22 claim to be, sir.

23 Q The answer is you don't know?

24 A I don't know. That's correct.

25 Q Exhibit 15 --

Officer Mark Contreras - February 18, 2015
Cross-Examination by Mr. Polland

1 MR. POLLAND: May I approach the witness?

2 THE COURT: You may.

3 Q (By Mr. Polland) According to the testimony, you
4 took possession of this at the scene that's on the night
5 of this alleged incident?

6 A Yes, sir.

7 Q And the complainant in her outcry to you said,
8 "He beat me with a belt."

9 A That is correct.

10 Q Causing of course blood and other injuries?

11 A That's correct.

12 Q Now, I maybe missing something but I look at
13 this bat and I don't see any blood. Do you see any
14 blood on the bat?

15 A I do not see any blood on the bat?

16 MR. POLLAND: Can I pass the bat to the
17 jury, Judge?

18 THE COURT: You may.

19 Q (By Mr. Polland) You also mentioned, I believe, in
20 your testimony or in your report that when you arrived
21 at the scene, it looked like there had been a struggle;
22 is that right?

23 A Yes, sir.

24 MR. POLLAND: I pass the witness.

25 MS. WILLIAMSON: Nothing further from this

Officer Mark Contreras - February 18, 2015
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1 witness.

2 THE COURT: May the officer be excused?

3 MR. POLLAND: No Objection.

4 THE COURT: You're free to go. Thank you,
5 Officer.

6 State, call your next.

7 MS. WILLIAMSON: State rests.

8 THE COURT: What says the defense?

9 MR. POLLAND: Can I --

10 THE COURT: Sure. We're going to take a
11 short break, folks. We'll send you back to the jury
12 room. We have some housekeeping things to take care of.

13 (Jury exits courtroom).

14 (Discussion outside the presence of the
15 jury)

16 MR. POLLAND: We make a Motion for a
17 Directive Verdict. State hasn't made a prima facia
18 case.

19 THE COURT: That's denied.

20 MR. POLLAND: Then I need a chance to
21 consult with my client.

22 THE COURT: Okay.

23 (Recess taken)

24 THE COURT: Mr. Polland, in this case you
25 want to put something on the record?

1 MR. POLLAND: I do, Judge. I have
2 consulted with my client. He has decided he does not
3 want to testify.

4 Isn't that true, sir?

5 THE DEFENDANT: Yes, sir.

6 MR. POLLAND: I will say for the record,
7 he did raise the question could he testify free from
8 impeachment, free from his prior convictions. I said,
9 no. If he gets on the stand, his credibility can be
10 impeached by the State with prior convictions.

11 THE COURT: And my understanding is at
12 least on the indictment, he is alleged to have been a
13 habitual. There are at least those two that I'm aware
14 of.

15 MR. POLLAND: At least two that can come
16 in. I explained that to him. He disagrees with the
17 law. Kind of like everybody else. The law is the law.
18 He understands.

19 THE COURT: Before we bring in the jury,
20 is it your plan to rest?

21 MR. POLLAND: Yes.

22 THE COURT: We have a copy of the jury
23 charge. If y'all will please take a look at that.

24 **JURY CHARGE CONFERENCE**

25 THE COURT: Both sides received the copy